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In the Supreme Court
OF THE
United States

OCTOBER TERM, 1952

No. 548

HARRY RENTON BRIDGES, J. R. ROBERTSON, and HENRY SCHMIDT,
Petitioners,

vs.

UNITED STATES OF AMERICA,
Respondent.

MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE AND BRIEF OF INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION (AND CERTAIN OF ITS AFFILIATED LOCALS) AS AMICUS CURIAE.

INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION (and certain of its affiliated locals),
Amicus Curiae,

By ALLAN BROTSKY,
240 Montgomery Street, San Francisco 4, California,
Attorney for Amicus Curiae.

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MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE.

To the Honorable Fred M. Vinson, Chief Justice of the United States, and to the Honorable Associate Justices of the Supreme Court of the United States:

Comes now the International Longshoremen's and Warehousemen's Union[1] (hereinafter referred to as

[1]The following locals of the ILWU join in the presentation of this motion:
Local 16, Juneau, Alaska; Local 39, Seward, Alaska, Local 41, Juneau, Alaska; Local 62, Ketchikan, Alaska; Local 82, Seward,

ILWU), and respectfully moves this Court, pursuant to Rule 27 (Paragraph 9), for leave to file the accompanying brief in this case as *amicus curiae*. The consent of the attorney for the petitioners herein to the filing of this brief has been obtained and filed with the Clerk of this Court. The consent of the attorney for the respondent was requested on April 13, 1953.

The interests of said ILWU and its locals, and its reasons for asking leave to file a brief *amicus curiae* are:

As stated in its motion for leave to file a brief as *amicus curiae* submitted while the above-entitled matter was pending on certiorari, ILWU is a trade union of approximately 70,000 members whose leading officers are the petitioners in the above-entitled matter. ILWU pointed out in said motion how for almost twenty years its members have watched with great

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Alaska; Local 87, Wrangell, Alaska; Local 97, Anchorage, Alaska; Local 1, Raymond, Wn.; Local 3, Seattle, Wn.; Local 4, Vancouver, Wn.; Local 7, Bellingham, Wn.; Local 9, Seattle, Wn.; Local 19, Seattle, Wn.; Local 21, Longview, Wn.; Local 23, Aberdeen, Wn.; Local 24, Aberdeen, Wn.; Local 32, Everett, Wn.; Local 37, Seattle, Wn.; Local 51, Port Gamble, Wn.; Local 8, Portland, Ore.; Local 12, North Bend, Ore.; Local 18, Astoria, Ore.; Local 31, Bandon, Ore.; Local 45, Rainier, Ore.; Local 48, Reedsport, Ore.; Local 50, Astoria, Ore.; Local 68, St. Helens, Ore.; Local 2, San Francisco, Calif.; Local 5, Petaluma, Calif.; Local 6, San Francisco, Calif.; Local 11, San Jose, Calif.; Local 13, Wilmington, Calif.; Local 14, Eureka, Calif.; Local 17, Broderick, Calif.; Local 26, Los Angeles, Calif.; Local 29, San Diego, Calif.; Local 33, San Pedro, Calif., Local 34, San Francisco, Calif.; Local 36, San Francisco, Calif.; Local 46, Port Hueneme, Calif.; Local 54, Stockton, Calif.; Local 63, Wilmington, Calif.; Local 91, San Francisco, Calif.; Wilmington, California Unit, Local 26; Fresno Compress & Warehouse Union, Pinedale, Calif.; Local 142, Honolulu, T.H.; Local 207, New Orleans, La.; Local 208, Chicago, Ill.; Local 209, Cleveland, Ohio; Local 222, Washington, D.C.; Kauai Labor Council, Honolulu, T.H.; Northern California District Council; ILWU Federated Auxiliaries; ILWU Ladies Auxiliary No. 5; ILWU Ladies Auxiliary No. 8; ILWU Ladies Auxiliary No. 1.

concern the prosecution and harassment of their President, Harry Renton Bridges, and more recently of their other officers who are also petitioners herein. The union noted the belief on the part of its members that these prosecutions arose out of the fact that these officers were giving to this segment of the labor movement militant and inspired leadership and the concern that such leadership should be the basis for criminal prosecutions. The union also noted its concern with what appeared to be an arbitrary and discriminatory application of legal principles to these petitioners and its suspicion that such unequal treatment was being accorded to them only because of the fact of such leadership.

Since filing the foregoing motion, ILWU has had an opportunity to peruse the memorandum which the prosecution filed in response to the petition for writ of certiorari. This memorandum suggests other reasons why ILWU should be permitted to file a brief *amicus curiae* in addition to those heretofore assigned.

It appears to ILWU that the government's approach to the whole problem of the persecution of these officers of the union is cynical and hypocritical; that in the memorandum, the government admits for the first time much of what the ILWU has said about this case ever since its inception and makes clear that the prosecution of these officers is a direct attack upon the interest and welfare of the 70,000 members of the union. It is in order to demonstrate these points and to set forth the union's position on them, particularly with respect to observations made in the

government's memorandum, that leave to file this brief is now sought.

Dated, San Francisco, California,
April 15, 1953.

Respectfully submitted,
INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION (and certain of its affiliated locals),
Amicus Curiae,
By ALLAN BROTSKY,
Attorney for Amicus Curiae.

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BRIEF OF INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION (AND CERTAIN OF ITS AFFILIATED LOCALS) AS AMICUS CURIAE.

By leave of Court first had and obtained, International Longshoremen's and Warehousemen's Union (hereinafter referred to as ILWU), and certain of its affiliated locals named in the foregoing motion, herewith files the following brief *amicus curiae* in the above-entitled cause.

I.

This Court has issued a writ to review the question of whether prior proceedings against Harry Renton

Bridges, which culminated in *Bridges v. Wixon,* 326 U.S. 135, are a bar to this prosecution.

We take this to mean that this Court will be reviewing the history of those proceedings. Even a superficial examination of that history demonstrates that the "Bridges case" is part and parcel of the story of the efforts of Pacific Coast maritime workers to better the miserable conditions under which they worked prior to 1934. There is no history of Harry Bridges which is separate and apart from the history of trade union organization on the West Coast since 1934. Were it not for the fact that Bridges was a leading figure in the development of that trade unionism, there is no question but what there would be no case now pending in this Court.

A history of Bridges' leadership of this union amply demonstrates why the membership is concerned with his case. Prior to the 1934 strike longshoremen in San Francisco were earning 85¢ an hour, were required to "kick-back" to straw bosses for employment, had no health or safety codes to protect them against occupational hazards, had no job security, had no pension or welfare plans or any of the other benefits which they now enjoy. The wretchedness of their working conditions as well as the efforts of the present petitioners to alleviate them are a matter of record in both this Court and the court below.

In more recent years the same situation has obtained with respect to the workers in the Hawaiian Islands who have been organized by this union under the leadership of petitioners herein. These petitioners

cannot be separated from their union nor can their union be separated from them.

It is more than ironic that at almost every critical juncture of the union's history—in its fight for improved wages, for the maintenance of its hiring halls, for the organization of the workers in Hawaii—a proceeding of one kind or another has been instituted against Bridges or its other officers. It has happened too often to be a mere coincidence.

The members of this union resist the notion that prosecutions should be undertaken in order to deprive them of leadership which they sorely need in their daily trade union struggles.

II.

ILWU is concerned by a suggestion in the government's memorandum that the prosecution of its officers is "a matter of diminishing importance." It may be a matter of no importance to the government prosecutors who thus cynically sought to avoid review in this Court by suggesting to the Court that if they were permitted to "get away with" this prosecution despite the conflicting opinions of the Courts of Appeals in the Second Circuit and in the District of Columbia, there would be no further prosecutions of this kind; and that if they were only permitted to jail Bridges and his associates, no Court would again be called upon to accept their strained interpretation of the Suspension Act.

But it is a matter of great importance to the members of this union first, that they not be deprived of

leaders who have given successful guidance in the economic struggles depicted above; and second, that no set of laws or judicial decision be twisted and distorted in order to achieve the incarceration of any persons—much less the leaders of a militant trade union.

The government in its memorandum has admitted to this Court for the first time in history of this case many things which this union has been saying about the case, things which the government did not admit to the Courts below. It now concedes that it has pressed this prosecution in the face of unanimous decisions of other Courts which would have declared it outlawed. It has thereby revealed that from the beginning its motive was not to obtain a correct ruling on the law (as it might have done had it pressed other cases to final decision), but to incarcerate these three petitioners irrespective of what the law was.

We do not believe that this Court will countenance the cynical approach to basic human freedom that such a position reveals, and we respectfully join with petitioners in praying that their convictions be reversed.

Dated, San Francisco, California,
April 15, 1953.

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